

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**JAMES PIERCE**

**Petitioner,**

**-v-**

**WARDEN, Ross County  
Correctional Institution**

**Respondent.**

**Case No. C-3:10-cv-132**

**Judge Thomas M. Rose  
Magistrate Judge Sharon L. Ovington**

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**ENTRY AND ORDER OVERRULING PIERCE'S OBJECTIONS (Doc. #17) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; OVERRULING THE WARDEN'S OBJECTIONS (Doc. #16) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #14) DENYING PIERCE'S PETITION FOR A WRIT OF HABEAS CORPUS; DENYING PIERCE LEAVE TO APPEAL IN FORMA PAUPERIS AND DENYING PIERCE A CERTIFICATE OF APPEALABILITY AND TERMINATING THIS CASE**

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This matter comes before the Court pursuant to pro se Petitioner James Pierce's ("Pierce's") Objections (doc. #17) to Chief Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #14) and the Warden's Objections (doc. #16) to Chief Magistrate Judge Ovington's Report and Recommendations (doc. #14). Upon review, the Magistrate Judge recommends that Pierce's Petition for a Writ of Habeas Corpus be denied, that Pierce be denied leave to appeal in forma pauperis and that Pierce be denied a certificate of appealability.

Both Pierce and the Warden objected to the Magistrate Judge's Report and Recommendations. The time has run and neither Pierce nor the Warden have responded to the other's Objections. Therefore, Pierce's Objections and the Warden's Objections are both ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Pierce's Objections to the Magistrate Judge's Report and Recommendations and the Warden's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby **OVERRULED**. The Magistrate Judge's Report and Recommendations is adopted with one exception. The "January 2, 2003" date on page 19 of the Report and Recommendations should be "January 2, 2007."

Pierce's Petition for a Writ of Habeas Corpus is **DENIED**. Further, Pierce is denied leave to appeal in forma pauperis and a certificate of appealability. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this 5<sup>th</sup> day of March, 2013.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
James Pierce at his last address of record